

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JERRY TONY ORTIZ,

Plaintiff,

v.

No. 13-cv-0786 SWS/SMV

**NIETO ENTERPRISES, LLC;
RICHARD M. NIETO; and
CAROLINA CABRALES-NIETO;**

Defendants.

ORDER SETTING SETTLEMENT CONFERENCE

THIS MATTER is before the Court pursuant to a telephonic Rule 16 Scheduling Conference held on December 6, 2013. To facilitate a final disposition of this case, a mandatory Settlement Conference will be conducted in accordance with Rule 16(a)(5) of the Federal Rules of Civil Procedure. The conference will be held on **December 13, 2013, at 9:00 a.m.** in the Pecos Courtroom, Pete V. Domenici United States Courthouse at 333 Lomas Boulevard Northwest in Albuquerque, New Mexico.

The parties or a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person. Counsel who will try the case must also attend in person. Counsel are encouraged to read “Keys to a Successful Mediation” by Judge James A. Hall prior to the settlement conference.¹ Those attending the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other

¹ For ease of reference, the Court has posted the article on its website, and the article may be accessed at <http://www.nmcourt.fed.us/web/DCDOCS/Judges/Files/HallMediationArticle.pdf>

participants in preparation for and during the conference.² *See generally Hand v. Walnut Valley Sailing Club*, No. 11-3228, 2012 WL 1111137 (10th Cir. Apr. 2, 2012) (unpublished) (affirming dismissal of case as sanction for violating confidentiality of settlement conference).

No later than **5:00 p.m. on December 11, 2013**, each party must provide the Court, in confidence, a concise position statement containing the names of the individuals who will be attending the conference and in what capacity. Position statements must be submitted to the Court by e-mail at VidmarChambers@nmcourt.fed.us.³

Any party requiring a release as part of any settlement agreement should provide the opposing party with a proposed written release agreement by **December 11, 2013, at 5:00 p.m.** Proposed written release agreements should include all material terms the party wishes to be included in the final settlement agreement, including such issues as confidentiality or release of claims in companion cases.

The Settlement Conference will not be vacated or rescheduled except upon motion and for good cause shown. Any motion to vacate or reschedule the Settlement Conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the Settlement Conference.

The Court may contact counsel ex parte prior to the Settlement Conference to discuss the Settlement Conference.

² This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

³ Each e-mail message and its attachments cannot exceed 5 MB. Data exceeding 5 MB should be submitted in individual e-mail messages, each less than 5 MB.

IT IS THEREFORE ORDERED as follows:

**Parties' confidential position statements due to
the Court:**

Dec. 11, 2013, by 5:00 p.m.

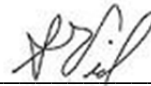
Parties' to exchange any release agreements by:

Dec. 11, 2013, by 5:00 p.m.

Settlement Conference:

Dec. 13, 2013, at 9:00 a.m.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge